IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRITS No. 1675 of 2002

SUGANI DEVI & ORS
V/S
STATE & ORS

Mr. AK SINGH, for the petitioner

Mrs. RR Kanwar, Addl.G.A., for the respondent

Date of Order : 12.8.2004

HON'BLE SHRI N P GUPTA,J.

ORDER

The controversy involved in the writ petition, is as to whether the land in question was command land at the time of allotment to the petitioner, or became command land subsequently, though in the allotment letter issued to the petitioner, it is described as uncommand land, while respondents contend that even prior to that, it was already command land, and price charged from the petitioner of command land, was erroneously charged.

It is not in dispute that before raising the demand from the petitioner, no opportunity of hearing was given. Accordingly, the writ petition is allowed, and it is directed that before raising demand from the petitioner, like one raised vide Annex.5, the petitioner shall be given an opportunity of hearing, in which event, the petitioner will have a right to make a representation, which he wants to make, and authority concerned shall decide the representation after hearing the petitioner, and thereafter if the amount is found to be chargeable from petitioner, the demand may be raised.

(N P GUPTA),J.

/Srawat/